

REMARKS

Pursuant to 37 C.F.R. § 1.116, amendment and reconsideration of the Office Action dated August 7, 2006, is respectfully requested by Applicant.

Summary

Claim 1 has been amended. No new matter has been added as a result of this amendment.

Claim Rejections

Claim 1 was rejected pursuant to 35 U.S.C. § 102(e) as being anticipated by Suzuki (U.S. Publication No. 2004/0043696). Claims 2 – 36 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Montgomery et al. (4,703,573) and further in view of Eichelberger et al. (4,145,748).

Claim 1 recites, *inter alia*, the electrode elements are operative to output on the basis of a change in a facing area relative to the total area of the electrode elements or a rate of change in the position of the facing area with time.

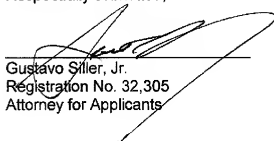
Suzuki fails to describe or suggest the electrode elements are operative to output on the basis of a change in a facing area relative to the total area of the electrode elements or a rate of change in the position of the facing area with time. Suzuki teaches a contrary arrangement. Suzuki teaches a doll 1 that has sensing areas 12 at different positions (paragraph 0021). The sensing areas 30, 32, 34, and 36 are connected to a multiplexing circuit 42 (paragraph 0025). The multiplexing circuit 42 is connected to a micro-controller 58 (paragraph 0026). The "micro-controller 58 can sense the increase in capacitance of the particular sensing area" (paragraph 0026). The sensing area is used to provide an out merely when an increase in capacitance is sensed. Accordingly, Claim 1 is allowable over the cited art.

Dependent Claims 2 – 36 depend from allowable claim 1, so are allowable over the cited art for at least the reasons described above.

Conclusion

Applicants respectfully submit that all of the pending claims are in condition for allowance and seek an early allowance thereof. If for any reason the Examiner is unable to allow the application in the next Office Action and believes that a telephone interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned.

Respectfully submitted,



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